

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC., a Delaware corporation, )  
Plaintiff, ) Civil Action No. 08-862-JJF  
v. )  
FACEBOOK, INC., a Delaware corporation, )  
Defendant. )

**LEADER TECHNOLOGIES, INC.'S REPLY TO COUNTERCLAIMS OF DEFENDANT FACEBOOK, INC.**

Plaintiff Leader Technologies, Inc. ("Leader") replies to the counterclaims set forth by Defendant Facebook, Inc. ("Facebook") in its Answer to Complaint for Patent Infringement; Affirmative Defenses; and Counterclaims ("Counterclaims") as follows:

1. Admitted.
2. Admitted.
3. Leader admits that the Counterclaims are brought under the patent laws of the United States and that subject matter jurisdiction in this district is proper.
4. Admitted.
5. Admitted.
6. Leader admits that there is an actual controversy between Leader and Facebook regarding Facebook's infringement of the '761 Patent pursuant to 28 U.S.C. § 2201 and 2202. Leader admits that Facebook purports to seek a declaration related to infringement and validity of the '761 Patent and purports that Leader's claims are barred.

**COUNT I**

7. Leader incorporates by reference paragraphs 1-6 of this Reply in response to Paragraph 7 of the Counterclaims.
8. Leader denies the allegations of Paragraph 8 of the Counterclaims.

**COUNT II**

9. Leader incorporates by reference paragraphs 1-8 of this Reply in response to Paragraph 9 of the Counterclaims.
10. Leader denies the allegations of Paragraph 10 of the Counterclaims.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense: Failure to State a Claim**

11. Counterclaimant fails to state a claim upon which relief can be granted.

**PRAYER FOR RELIEF**

WHEREFORE, Leader denies that Facebook is entitled to any judgment or relief in its favor, including the relief sought in paragraphs A through F of the Prayer for Relief in the Defendant's Counterclaims.

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Dated: January 28, 2009  
900440

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**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on January 28, 2009, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY CM-ECF, HAND DELIVERY AND E-MAIL**

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I hereby certify that on January 28, 2009 I have sent by E-mail the foregoing document to the following non-registered participants:

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